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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 10 November 2004 from the Permanent Mission of Tunisia to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Tunisia to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and has the honour to transmit herewith the report of Tunisia on the implementation of Security Council resolution 1540 (2004) (see annex).

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Annex to the note verbale dated 10 November 2004 from the Permanent Mission of Tunisia to the United Nations addressed to the Chairman of the Committee

[Original: Arabic]

Report of Tunisia on the implementation of Security Council resolution 1540 of 28 April 2004

Tunisia was among the first to realize the dangers of terrorism in its various forms as a serious aberration in thought and behaviour. Its evil consequences and destructive impact go beyond national borders, threatening security and stability in the entire world. Accordingly, since the early 1990s Tunisia has warned the international community of the dangers of terrorism, and has highlighted the need to combat it in an effective manner. In addition, it has underlined the need to support and coordinate international efforts in combating this phenomenon.

The fact that Tunisia is intent on combating the crime of terrorism in its different forms is reflected in its complete commitment to the relevant Security Council resolutions. For instance, it has submitted two reports to the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities. The first report was submitted pursuant to resolution 1390 (2002) and the second pursuant to resolution 1455 (2003). In addition, it has submitted three reports to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism. In these reports, it outlined all the relevant regulations related to internal and external State security which it had introduced to combat terrorism.

While Tunisia does not possess any type of weapons of mass destruction, it has been eager to accede to the relevant international treaties. It has also been intent on taking the necessary practical steps to protect internal and external State security from any terrorist use of substances that may cause grievous harm to the lives of people or to the environment.

1. **Adopting and enforcing appropriate and effective laws which prohibit any non-State actor from manufacturing, acquiring, possessing, developing, transporting, transferring or using nuclear, chemical or biological weapons and their means of delivery, for terrorist purposes:**

   - Tunisia ratified the Treaty on the Non-Proliferation of Nuclear Weapons in accordance with Act No. 5 of 3 February 1970.
   - Tunisia concluded a comprehensive safeguards agreement with the International Atomic Energy Agency on 24 February 1989 and ratified it in accordance with Act No. 15-90 of 12 February 1990.
   - Tunisia ratified the Convention on the Physical Protection of Nuclear Material on 8 April 1993.
   - Tunisia ratified the Comprehensive Nuclear-Test-Ban Treaty in accordance with Order No. 1615 of 12 July 2004.

– Tunisia has formed a national committee for nuclear safety in collaboration with the International Atomic Energy Agency and this is currently functioning in the context of a regional programme for nuclear safety in African countries in which Tunisia has participated since 2003.

– Tunisia ratified the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction in accordance with Act No. 12 of 23 March 1973.

– Tunisia ratified the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction in accordance with Act No. 13 of 3 March 1997.

In addition, Tunisia has created, in accordance with Order No. 626 of 22 March 1999, a national committee pursuant to the requirements of that Convention in order to follow up its implementation and to examine all the issues with a view to promoting the cooperation of the national authorities with the Organization for the Prohibition of Chemical Weapons.

Among the annexes of the Convention are a number of tables that were relevant to the identification of toxic chemicals and related materials. In addition, Tunisia provides, on an annual basis, the Organization for the Prohibition of Chemical Weapons with statistics on the import, export and transit of such materials and the identity of importers and exporters.

– In addition to the above treaties concerning weapons of mass destruction, it should be noted that:

  • Tunisia ratified the International Convention for Safe Containers in accordance with Act No. 53 of 2004 dated 12 July 2004;

  • On 24 August 2004, Tunisia signed the Stockholm Convention on Persistent Organic Pollutants, adopted on 22 May 2001. This Convention stipulates that the States parties shall prohibit and/or take the legal and administrative measures necessary to eliminate the production, use, import and export of the chemicals listed;

Once ratified and in force, the above treaties are considered, under article 32 of the Constitution, to take effect immediately without the need to promulgate them, and take precedence over laws.

– On 10 December 2003, Act No. 75 was passed in support of international efforts to combat terrorism and prevent money-laundering. In part 1, chapter 4, the act defined the crime of terrorism and its punishment as one which "falls into the category of crimes that inflict grievous harm on the environment in a manner that endangers the lives of people or their health".

This act addressed the following:

– Definition of the crime of terrorism;

– Definition of those who commit the crime of terrorism;

– Rules of investigation in crimes of terrorism;

– Combating and prevention of money-laundering;

– Blocking of illicit financial channels;

– Mechanisms to investigate the truth about suspicious operations and creation of a committee within the Central Bank of Tunisia to conduct financial investigations; in this regard, Order No. 1865 issued on 11 August 2004 concerns the structure of the Tunisian Committee for Financial Investigation and its methods of operation.

2. **Taking and enforcing effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery:**

– Tunisia monitors suspicious activities on its land, sea and air borders, especially those related to terrorism and the proliferation of weapons of mass destruction, in collaboration with the competent national authorities;

– Tunisia exchanges information and classified documents within the context of security agreements it has concluded with friendly and fraternal States concerning the combating of international terrorism.

– **Measures to control the import and export of dangerous and explosive materials:**

– In accordance with the requirements of Act No. 63 of 15 July 1996 on control of the manufacture, export, import, transport, storage, use and purchase or sale of explosive materials intended for civilian purposes, and Act No. 37 of 2 June 1997 on transport of dangerous materials by road, and their implementing statutes, the competent authorities have since April 2003 introduced a strengthened system of regulations governing the import and export of dangerous and explosive materials intended for civilian purposes.

– **Creation of teams for X-ray screening at seaports and airports with a large volume of import and export operations:**

• Customs authorities subject all containers and vehicles transporting goods for import to X-ray screening at entry points;

• In cases of suspicion, where the contents of a vehicle or a container do not match what is authorized, the customs authorities conduct a full inspection;

• Customs authorities may thoroughly inspect containers and vehicles at the site of the importer, the warehouse or the exit points;

• Customs authorities subject all containers and vehicles, including empty ones, to X-ray screening.

– Measures and steps have been taken to protect scientific laboratories and factories that may be at risk of having dangerous chemicals stolen from their premises.

– In addition, Order No. 2015, issued on 4 September 2002, concerns revision of the technical rules for preparing and equipping vehicles used for transporting dangerous materials by road.

– Strengthening of specialist explosives teams on national borders;

– Strengthening of the system of information exchange on the national, regional and international levels;

- Enhancement of skills in danger prevention and provision of periodic training for specialist agencies in the security field;
- Exchange of information among specialist security agencies concerning crimes related to security;
- Control of imports containing chemicals that can be utilized to manufacture chemical weapons (chaps. 28 to 38 of the customs import list). It is important to note that the Central Tunisian Pharmacy has a monopoly on the import of pharmaceutical products listed under identification Nos. 30.01 to 30.06.